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FOIA

Asai

OLC 78-5368/3

4 OCT 1978

MEMORANDUM FOR: Director of Central Intelligence
FROM : Legislative Counsel
SUBJECT : FOIA Court Case Involving Church Committee Documents

1. Action Requested: None; for information only.

2. Background: The attached letter from Chairman Bayh (D., Ind.), Senate Select Committee on Intelligence, was received by the Agency in support of the Agency's position in an FOIA request, now in litigation, (Miller v. CIA) for documents regarding the Agency's relationship with journalists. Certain of the documents represent an extensive exchange of information between the CIA and the Church Committee. The Agency contends that the confidentiality of this exchange is of direct concern to the Congress. The attached letter from Chairman Bayh confirms the Committee's position that Congressional information should not be disclosed outside of CIA without the Committee's written concurrence. OGC will present the letter to the court to support the Agency's position.

3. Staff Position: The General Counsel and Chief, IPS concur in our comments.

/s/ Frederick P. Hitz
Frederick P. Hitz

Attachment:
As Stated

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